

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/24/2013

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OXFORD HEALTH INSURANCE, INC., et al., :

Plaintiffs, :

-against- :

DANIEL HAMNER, M.D., et al., :

Defendants. :

----- X
ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER DENYING MOTION
FOR RECONSIDERATION**

13 Civ. 375 (AKH)


On October 9, 2013, I entered an order denying defendants' motions to dismiss. Defendant Allan Christopher as executor for the Estate of Anne M. Christopher (the "Christopher Estate") now moves for reconsideration of that order, repeating his arguments that he was not properly served and that he is separate from the Estate of Anne M. Christopher. The motion is denied.

"It is settled law in this District that a motion for reconsideration is n[ot] an occasion for repeating old arguments previously rejected," Associated Press v. U.S. Dep't of Def., 395 F. Supp. 2d 17, 19 (S.D.N.Y. 2005), and the Christopher Estate's arguments were already rejected in my previous order. As I previously held, Connecticut General Statutes § 52-61 provides for service upon an estate through the probate court under these circumstances. The Christopher Estate's argument that the naming of the executor should alter that conclusion is meritless because, for purposes of service, there is no legal distinction to be made between the estate and its executor since the estate acts through its executor. Indeed, Connecticut General Statutes § 52-61 explicitly provides a mechanism for service upon an "executor." Accordingly, service upon the probate court satisfied Fed. R. Civ. P. 4(e)(1) in this case.

The Clerk shall mark the motion (Doc. No. 59) terminated.

SO ORDERED.

Dated: New York, New York
October ~~24~~, 2013


ALVIN K. HELLERSTEIN
United States District Judge